

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

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Serial Number: 09/538,602

Dkt: 2050.032US1

Filing Date: March 29, 2000

Title: USING THE ELECTRONIC PROGRAM GUIDE TO SYNCHRONIZE INTERACTIVITY WITH BROADCAST PROGRAMS

### REMARKS

This responds to the Office Action mailed on April 19, 2005.

Claims 2-4, 9, 16-23, 25-37, 39-46 are amended. Claims 1, 5-8 and 10-14 are canceled without prejudice and Applicants specifically reserve the right to reintroduce these claims in a continuation application at a later date. No claims have been added. As a result, claims 2-4, 9, and 16-47 are now pending in this application.

### Drawing Objections

Figure 2 was objected to for containing reference signs 226 and 228, not mentioned in the description. The specification has been amended accordingly. In particular, "In one embodiment, the microprocessor 210 is also coupled to an IR Command Encoder 226 coupled to an IR Emitter 228." has been added at page 24, line 13. The amendments to the specification merely conform the specification to the drawings, and therefore, in no way constitute new matter. It is requested that these specification changes be reviewed and approved by the Examiner.

### §102 Rejection of the Claims

Claims 1-2, 4-11, 14, 16-24, 28-35 and 42-43 were rejected under 35 U.S.C. § 102(b) for anticipation by Hidary et al. (U.S. 5,774,664). Independent claims 1, 10, 11, and 14 have been cancelled without prejudice. Dependent claims 5-8 have been cancelled without prejudice. The remaining claims, 2, 4, 9, 16-24, 28-35 and 42-43, have been amended to depend from one of allowable independent claims 25 or 36 as discussed in more detail below. Therefore, this rejection is moot.

### §103 Rejection of the Claims

Claims 3, 12-13, 26-27, 39, 41 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hidary et al. Independent claim 12 has been cancelled without prejudice. Dependent claim 13 has been cancelled without prejudice. The remaining claims, 3, 26-27, 39,

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41 and 44, have been amended to depend from one of allowable independent claims 25 or 36 as discussed in more detail below. Therefore, this rejection is moot.

Claims 40 and 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hidary et al. in view of Blacketter et al. (U.S. 6,415,438). Claims 40, and 45-47 have been amended to depend from one of allowable independent claims 25 or 36 as discussed in more detail below. Therefore, this rejection is moot.

Allowable Subject Matter

Claims 25 and 36-38 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, claims 25 and 36-37 have been rewritten in independent form, and Applicants believe they are now in condition for allowance. Claim 38 depends from the allowable, rewritten claims 36 and 37 (multiply dependent claims), and therefore has not been rewritten. Accordingly, Applicants believe claim 38 is also in condition for allowance.

Claims 2-4, 9, 16-22, 23-35, and 38-47 depend from at least one of independent claims 25, 36, or 37 and incorporate all of the limitations therein, respectively. Because claims 2-4, 9, 16-22, 23-35, and 38-47 depend from at least one of allowable independent claims 25, 36 or 37, they are also asserted to be allowable. Applicants respectfully request notification of same. Applicants consider additional elements of claims 2-4, 9, 16-22, 23-35, and 38-47 to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 352-373-8804 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

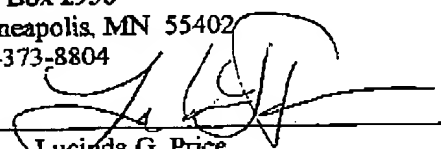
BRIAN P. DOUGHERTY ET AL.

By their Representatives,

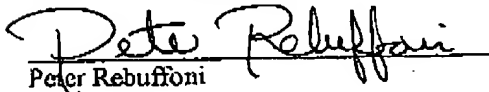
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Date June 15, 2005

By

  
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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Peter Rebuffoni

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